

PROB 12C
(7/93)

United States District Court

for

District of New Jersey

Amended Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Richard Bergholz

Docket Number: 14-09030M-001

PACTS Number: 368759

Name of Sentencing Judicial Officer: THE HONORABLE ANTHONY R. MAUTONE
UNITED STATES MAGISTRATE JUDGE

Date of Original Sentence: 02/19/2014

Original Offense: 36 CFR 4.23(a) Driving While Intoxicated

Original Sentence: 120 days (180 days – 60 days credit for custodial alcohol treatment in the Crest Program at the Morris Community Corrections Center in Dover, Delaware): Intermittent custody on 15 consecutive weekends (for a total of 30 days) at a Halfway House/Community Confinement Center or other facility as designated by the Bureau of Prisons. The defendant shall commence his sentence on Friday evening at 6:00 PM and be released on Sunday evening at 6:00 PM and will receive credit for two days. The defendant shall surrender to the Halfway House/Community Confinement Center for commencement of sentence as ordered by the Bureau of Prisons on May 16, 2014. Immediately after the intermittent custody the defendant shall serve 90 consecutive days and 24 months-probation

Special Conditions: Special Assessment, Fine, Reentry Center-Full-Time, Driver's License Suspension

Type of Supervision: Probation

Date Supervision Commenced: 02/19/14

Assistant U.S. Attorney: Rebecca Sherrill, AUSA, 970 Broad Street, 7th Floor, Newark, New Jersey 07102, (973) 645-2700

Defense Attorney: Patrick McMahon, Esq., Federal Defenders Office, 1002 Broad Street, Newark, New Jersey 07102, (973) 645-6347

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p>The offender has violated the standard supervision condition which states 'You shall not commit another federal, state, or local crime.'</p> <p>On September 9, 2015, the offender was arrested and charged with driving under the influence of alcohol. The case is currently pending in Kent County Superior Court, Delaware.</p>

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- 2 The offender has violated the standard supervision condition which states '**You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.**'

On September 9, 2015, the offender submitted to a portable breathalyzer test administered by the Delaware State Police. The reading showed a .205% blood alcohol content.

- 3 The offender has violated the standard supervision condition which states '**You shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.**'

The offender failed to notify his probation officer of the arrest within 72 hours.

- 4 The offender has violated the standard supervision condition which states '**You shall not operate any motor vehicle without a valid driver's license issued by the State of New Jersey, or in the state in which you are supervised. You shall comply with all motor vehicle laws and ordinances and must report all motor vehicle infractions (including any court appearances) within 72 hours to the U.S. Probation Office.**'

On September 9, 2015, the offender was caught operating a vehicle by the Delaware State Police. Bergholz does not have a valid driver's license.

- 5 The offender has violated the standard supervision condition which states '**You shall notify the probation officer within 72 hours of any change of residence or employment.**'

As of October 10, 2015, the offender's residence is unknown to the probation officer. He has failed to notify a change of address to his probation officer.

- 6 The offender has violated the standard supervision condition which states '**As a condition of supervision, you are instructed to pay a fine in the amount of \$1,035; it shall be paid in the following manner: Monthly installments of \$50.00.**'

To date, the offender has not made any payments toward his fine obligation.

I declare under penalty of perjury that the foregoing is true and correct.

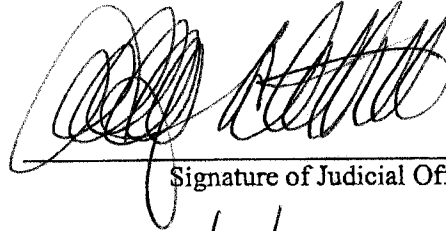
By: Jessica M. Alberts

Date: 10/29/2015

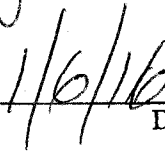
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THE COURT ORDERS:

- ☐ The Issuance of a Warrant
☐ The Issuance of a Summons. Date of Hearing: _____
☐ No Action
☐ Other



Signature of Judicial Officer



Date